

REMARKS

INTRODUCTION

Claims 1, 3-8, 12, and 14-16 were previously pending and under consideration.

Claims 18-22 are withdrawn.

Claims 23-28 are added herein.

Therefore, claims 1, 3-8, 12, 14-16, and 23-28 are now pending and under consideration.

Claims 1 and 3-8 are allowed over the prior art but stand rejected under §§ 101 and 112.

Claims 12 and 14-16 are rejected under §§ 101, 103, and 112.

Claims 1, 3-5, 7, 8, and 12 are amended herein.

No new matter is being presented, and approval and entry are respectfully requested.

TRAVERSAL OF RESTRICTION

As noted in item 2 of the Office Action, the Examiner telephoned the Applicant on September 16, 2004 and Applicant elected claims 1, 3-8, 12, and 14-16 for examination. Claims 18-22 were withdrawn.

The restriction is respectfully traversed. In making a restriction, an examiner must provide an explanation of why the restricted claims are directed to a different invention ("The particular reasons relied on by the examiner for holding that the inventions as claimed are either independent or distinct should be concisely stated. A mere statement of conclusion is inadequate. The reasons upon which the conclusion is based should be given", MPEP § 816). Furthermore, "Examiners must provide reasons and/or examples to support conclusions, but need not cite documents to support the restriction requirement in most cases" (MPEP § 803.01). The restriction is traversed because there is no explanation of how claims 18-22 are directed to a different invention.

In view of item 9 of the Office Action, it appears that claim 18 recites a feature somewhat similar to a feature quoted by the Examiner as a reason for allowing claim 1. The restriction of

claim 18 is further traversed because, as stated in MPEP § 806.03, "[w]here the claims of an application define the same essential characteristics of a single disclosed embodiment of an invention, restriction therebetween should never be required. This is because the claims are but different definitions of the same disclosed subject matter, varying in breadth or scope of definition." In view of the allowability of claim 1 over the prior art, claim 18 should not be restricted and should be allowed.

REJECTIONS UNDER 35 USC § 112, SECOND PARAGRAPH

In the Office Action, at page 3, claims 1, 3-8, 12, and 14-16 were rejected under 35 U.S.C. § 112, second paragraph, for the reasons set forth therein. The Examiner alleged that the claim recitation "an application managing method for a case where a plurality of applications are stored in a storage at locations of the storage" lacks antecedent basis. The only part of the quotation that needs antecedent basis is "the storage", and "the storage" has antecedent basis because "a storage" is mentioned before it. Withdrawal of the rejection is respectfully requested.

REJECTIONS UNDER 35 USC § 101

In the Office Action, at pages 4-5, claims 1, 3-8, 12, and 14-16 were rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. The claims have been amended to clarify that they are directed to the use of a computer, a computer method, a storage for use with a computer, etc. For example, "storage" is now "computer-readable storage". As stated in MPEP § 2106, "When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and *will be statutory in most cases*". Withdrawal of the rejection is respectfully requested.

REJECTIONS UNDER 35 USC § 103

In the Office Action, at pages 5-7, claims 12 and 14-16 were rejected under 35 U.S.C. § 103 as being unpatentable over Nakashima in view of Cohen-Levy. This rejection is traversed and reconsideration is requested.

Independent claim 12 is rejected as obvious over Nakashima in view of Cohen-Levy. Cohen-Levy describes a system for providing a graphical interface layer between operating system file systems and user applications. Information about certain operating system directories and files are stored in a database 14. The idea of Cohen-Levy is to make it easier for a user to manage files, particularly when saving or opening files with any application.

Column 12, lines 53-63 of Cohen-Levy are cited as teaching the storage of data files using the directory structure recited in claim 12. The Examiner suggests that directory names be added to the block-to-address correspondence table of Nakashima (see Figure 16B). However, the combination cannot be made and does not teach the feature of claim 12. Nakashima's suggested "directory structure" is only a table of locations of programs on optical disks, somewhat like a directory listing but formally stored in a table. The only directory structures in Cohen-Levy are ordinary file directories such as FAT32. The Examiner noted the "directory name" in Cohen-Levy, but the directory name only identifies a directory, not the *address* of an application needed for a data file.

Claim 12 has been amended to clarify that "the data files are organized and stored in the computer-readable storage using the predetermined directories of the directory structure". Nakashima's table of media addresses is not for storing and organizing data files, and no addresses are mentioned or suggested. Although claims are to be interpreted as broadly as reasonably possible, they are also to be interpreted as they would be understood by one skilled in the art. One skilled in the art of computer programming would not interpret a directory for storing and organizing files as equivalent to a table of program locations. Withdrawal of the rejection is respectfully requested.

The claims depending from claim 12 are deemed patentable due at least to their dependence from allowable independent claim 12. These claims are also patentable due to their recitation of independently distinguishing features. For example, claim 14 recites "an application management table that stores the information of the application addresses". This

feature is not taught or suggested by the prior art. Withdrawal of the rejection of the dependent claims is respectfully requested.

MISCELLANEOUS CLAIM CHANGES

A few other minor changes have been made to the claims. First, "predetermined" has been deleted from "predetermined directories". Whether a directory is predetermined is not relevant to patentability. Second, dependent claims have been added to cover a case where the storage is a memory card and an IC card.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

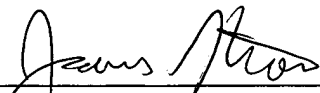
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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By: 
James T. Strom
Registration No. 48,702

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501